

From: [News and Information about water quality from the Department of Ecology](#)
To: ECOLOGY-WATER-QUALITY-INFO@LISTSERV.WA.GOV
Subject: Information from the Department of Ecology: Rule Pre-proposal – Water Quality Standards for Surface Waters of the State of Washington, Chapter 173-201A WAC
Date: Friday, September 21, 2012 9:22:56 AM

Rule Pre-proposal – Water Quality Standards for Surface Waters of the State of Washington, Chapter 173-201A WAC

The Department of Ecology is starting the process to revise the Water Quality Standards for Surface Waters of the State of Washington, Chapter 173-201A WAC.

What is the purpose of the Water Quality Standards Program?

The Water Quality Standards Program is responsible for revising water quality standards to meet state statutory requirements under RCW 90.48 and to meet federal requirements of the Clean Water Act. Protecting water quality contributes to quality of life in Washington.

What is the purpose of this rule-making?

The Washington Department of Ecology (Ecology) will conduct two separate but concurrent rule-making processes for the Water Quality Standards rule. One rule-making effort will be the adoption of new human health criteria in WAC 173-201A-240. The process will take into account factors used to calculate each chemical criterion, including risk, duration of exposure, and more accurate data about how much fish and shellfish people eat in Washington. This rule-making may include changes to other sections of the rule as necessary to support the new human health criteria.

In October 2011, Ecology started a rule-making effort to amend implementation-related portions of the Surface Water Quality Standards (WAC 173-201A). Ecology has withdrawn that notice and is filing a new notice to clarify the focus of this separate rule-making. We will continue to focus on sections of the rule regarding implementation, with the goal of providing more predictable regulatory tools that help entities subject to National Pollutant Discharge Elimination System (NPDES) permits comply with new, more protective standards.

Why are we updating the rule?

Ecology intends to adopt new human health criteria to protect public health, safety, and welfare. Until new human health criteria are adopted by Ecology, Washington will continue using outdated federal standards that do not reflect current science on protection from toxic chemicals. With adoption of this new rule, our state will have water quality standards for toxics that more accurately reflect the amount of fish and shellfish people eat in Washington.

Adopting new human health criteria, including the need for a more accurate fish consumption rate number to be factored into the equation for determining chemical criterion, was identified as a high priority when Ecology conducted a triennial review of the water quality standards. The triennial review is required by the Clean Water Act to ensure that states update standards as needed to reflect new and emerging science and information.

The rule-making to develop implementation tools was identified as a separate but related priority to allow permitted facilities to stay in compliance with the standards as more protective criteria are adopted. The rule-making will also directly address legislation passed (RCW 90.48.605) that obligates Ecology to amend water quality standards to allow compliance schedules in excess of ten years under certain circumstances for permitted discharges.

When did Ecology's Director decide to proceed with this rule-making?

Governor Gregoire issued Executive Orders 10-06 and 11-03, requiring agencies to suspend non-critical rule-making.

Human Health Criteria

Ecology's Director decided to proceed with this rule-making in July 2012 based on exemption criteria 3(d), outlined by Office of Financial Management.

- 3(d) - necessary to protect public health, safety, and welfare or necessary to avoid an immediate threat to the state's natural resources.

Implementation Tools

Ecology's Director decided to proceed with this rule-making in October 2011 based on exemption criteria 3(e), outlined by Office of Financial Management.

- 3(e) - beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects.

For more information on the Governor's Executive Orders (10-06 and 11-03) and the Ecology Director's decisions related to the rule-making suspension go to www.ecy.wa.gov/laws-rules/rulemaking_suspension.html.

Where can I get more information about the Surface Water Quality rule-makings?

Ecology website and email list

- Surface Water Quality Standards Current Rule Activities: <http://www.ecy.wa.gov/programs/wq/swqs/Currswqsruleactiv.html>
- Water Quality Information listserv: <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WATER-QUALITY-INFO>

Web Address Change

Please note that the surface water quality rules web page address has changed. The new the surface water quality current rule activity web page link is:

<http://www.ecy.wa.gov/programs/wq/swqs/Currswqsruleactiv.html>.

Who can I contact for more information?

Becca Conklin
Department of Ecology
Water Quality Program
PO 47600
Olympia, WA 98504-7600

Phone: 360-407-6413

Email: swqs@ecy.wa.gov